

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

LARRY ETTEN,

Plaintiff,

vs.

US FOOD SERVICE, INC. and MAC  
RISK MANAGEMENT, INC.,

Defendants.

No. 05-CV-83-LRR

**ORDER**

This matter comes before the court on its own motion. On May 16, 2006, the court noted:

The parties in this case have shown a near complete inability to abide by the court's deadlines and rules. The parties are advised that further violations of the [L]ocal [R]ules shall result in monetary sanctions.

*See* LR 1.1(f) ("A failure to comply with the Local Rules may be sanctioned by the court in any appropriate manner.").

On May 23, 2006, the court afforded Plaintiff one last opportunity to file his Resistance to Defendant's Motion for Summary Judgment in compliance with the Local Rules. On May 26, 2006, Plaintiff filed a Resistance, but violated the Local Rules again. Specifically, Plaintiff did not file his response to Defendants' statement of material facts, his statement of additional material facts and his appendix under the same docket entry as his brief, in violation of the Local Rules. *See* LR 56.1(b) (requiring party resisting a motion for summary judgment to file several documents as attachments to the brief in


resistance under the same docket entry).

It is well within the power of the court to strike Plaintiff's Resistance in its entirety because it was, again, not filed in accordance with the Local Rules. For good cause, however, the court shall not impose such a severe sanction upon Mr. Etten. The court shall sanction Plaintiff's counsel for violating the Local Rules and disobeying a direct order of the court to strictly comply with those rules. The court finds Plaintiff's counsel, Attorney Donald G. Beattie, in contempt of court and fines him \$100 as a sanction for violating the Local Rules. *See, e.g., Harlan v. Lewis*, 982 F.2d 1255, 1259 (8th Cir. 1995) (outlining court's contempt powers); *see also* LR 1.1(f) (discussing potential penalties for violations of the Local Rules). The sanction must be paid to the Clerk of Court on or before Monday, June 5, 2006, at noon.

Plaintiff's counsel is advised that future violations of the Local Rules shall result in increasingly severe monetary sanctions.

**IT IS SO ORDERED.**

**DATED** this 30th day of May, 2006.

  
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LINDA R. READE  
JUDGE, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA